

1970

# c 74 The Highway Traffic Amendment Act, 1970 (No. 1)

Ontario

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## CHAPTER 74

## An Act to amend The Highway Traffic Act

*Assented to June 26th, 1970**Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Highway Traffic Act* is amended by striking out "and there is filed proof of financial responsibility under section 111" in the second and third lines, so that the section shall read as follows:

R.S.O. 1960,  
c. 172, s. 28,  
amended

28. If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply unless the conviction is sustained on appeal.

Suspension  
on appeal

2. *The Highway Traffic Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 172,  
amended

51b. No person who deals in motor vehicles shall sell or offer to sell a motor vehicle manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada), and bears the National Safety Mark referred to therein.

Sale of  
vehicles that  
do not  
conform to  
federal  
standards  
prohibited  
1969-70,  
c. 30

3.—(1) Paragraph 6 of subsection 2 of section 52 of *The Highway Traffic Act*, as enacted by subsection 5 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "32,000" in the fourth line and inserting in lieu thereof "42,000", so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2,  
par. 6  
(1960-61,  
c. 34, s. 6,  
subs. 5),  
amended

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 42,000 pounds.

As to  
weight of  
three-axle  
semi-  
trailers,  
etc.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1966, c. 64,  
s. 11,  
subs. 3),  
repealed

(2) Subsection 2a of the said section 52, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966* and amended by section 7 of *The Highway Traffic Amendment Act, 1967* and section 13 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 53 of *The Highway Traffic Act* is amended by adding at the end thereof "or Part XVI", so that the subsection shall read as follows:

#### Permits

(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 52 or 58 or Part XVI.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 6  
(1968-69,  
c. 45, s. 38),  
re-enacted

(2) Subsection 6 of the said section 53, as re-enacted by section 38 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

#### Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section or clause a of section 162 in respect of any excess axle unit weight as if no special permit had been issued.

R.S.O. 1960,  
c. 172, s. 70,  
amended

5. Section 70 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

#### Symbols

(13a) The "walk", "wait" and "don't walk" pedestrian control signals referred to in subsection 13 may be shown by symbols as prescribed by the regulations.

R.S.O. 1960,  
c. 172,  
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Air  
cushioned  
vehicles  
prohibited  
on highways

100d. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway.

R.S.O. 1960,  
c. 172,  
Pt. XII  
(ss. 109-127),  
re-enacted

7. Part XII of *The Highway Traffic Act*, as amended by section 14 of *The Highway Traffic Amendment Act, 1961-62*, section 16 of *The Highway Traffic Amendment Act, 1962-63*,



sections 14 and 15 of *The Highway Traffic Amendment Act, 1964*, sections 13 and 14 of *The Highway Traffic Amendment Act, 1965* and sections 67 and 68 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

## PART XII

### SUSPENSION FOR FAILURE TO PAY JUDGMENTS

109. In this Part,

Interpre-  
tation

(a) "driver's licence" means an operator's or a chauffeur's licence issued pursuant to this Act;

(b) "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1.

110. Where the Registrar has suspended a licence or permit, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended.

Notice of  
suspension

111.—(1) The driver's licence of every person who fails to satisfy a judgment rendered against him by any court in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be suspended by the Registrar upon receiving a certificate of such final judgment from the court in which the same is rendered and after fifteen days notice has been sent to such person of intention to suspend his licence unless such judgment is satisfied within such period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies.

Licence  
suspended  
for failure  
to pay  
judgment

R.S.O. 1960.  
c. 190

(2) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence of any person who is indebted to the Motor Vehicle Accident Claims Fund.

Application  
where  
person  
indebted  
to Fund

Payment of  
judgments in  
instalments

- (3) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but such driver's licence shall again be suspended and remain suspended, as provided in subsection 1, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

Reciprocal  
effect of  
subs. 1  
with states  
having  
similar  
legislation

- (4) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such province or state.

R.S.O. 1960,  
c. 172, s. 146,  
cl. c, subcl. v,  
repealed

8. Subclause v of clause c of section 146 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,  
c. 172,  
amended

9. *The Highway Traffic Act* is amended by adding thereto the following Part:

## PART XVI

### AXLE WEIGHTS

Interpre-  
tation

160.—(1) In this Part,

- (a) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane;
- (b) "axle group" means an assemblage of any two or more consecutive axle units considered together in determining their combined load effect;
- (c) "axle group weight" means the total weight transmitted to the highway by an axle group;

(d)

- (d) "axle unit" means any single axle, dual axle or triple axle;
  - (e) "axle unit weight" means the total weight transmitted to the highway by an axle unit;
  - (f) "Class A Highway" means a highway designated as such by the Minister;
  - (g) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;
  - (h) "dual axle" means any two consecutive axles, whose centres are more than 40 inches but less than 96 inches apart, articulated from a common attachment to the vehicle and designed to equalize the load between axles;
  - (i) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes 40 inches apart;
  - (j) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches but less than 96 inches apart, articulated from an attachment to the vehicle common to consecutive axles and designed to equalize the load between axles.
- (2) The spacing between axles is the shortest distance <sup>Spacing between axles</sup> between the centre of rotation of one axle and the centre of rotation of the other.
- (3) For the purposes of Table 2, the axle spacing is the <sup>Idem</sup> distance measured between the outer axles forming an axle unit.

161.—(1) No vehicle, object or contrivance for moving <sup>Restrictions as to weight on tires</sup> loads that is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway the weight of which or the gross weight of which exceeds 500 pounds upon any inch in width of tire roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 53.



How width  
ascertained

- (2) For the purpose of this section, the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer.

Restriction  
on weight of  
axles

162. Subject to the provisions of section 53,

prescribed  
by the  
regulations  
on Class A  
Highway

- (a) no vehicle or combination of vehicles shall be operated on a Class A Highway where any axle unit weight or axle group weight exceeds that prescribed in the regulations for such vehicle or combination of vehicles or as permitted by temporary authority issued pursuant to clause *b*;

temporary  
authority

- (b) where the regulations do not prescribe the axle unit weights and axle group weights in respect of a particular vehicle or combination of vehicles, the owner may apply to the Department for a temporary authority permitting the operation of the vehicle or combination of vehicles on a highway in accordance with section 163;

prescribed  
by  
temporary  
authority

- (c) no vehicle or combination of vehicles shall be operated on a highway where the axle spacing of such vehicle or combination of vehicles are not prescribed in the regulations or the owner is not the holder of the temporary authority issued pursuant to clause *b*; and

production  
of  
temporary  
authority

- (d) the temporary authority issued pursuant to clause *b*, or a true copy thereof, shall whenever the vehicle or combination of vehicles is on a highway be carried by the driver thereof or placed in some readily accessible position and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

R.S.O. 1960,  
c. 319

Maximum  
allowable  
axle unit  
weights

163—(1) The maximum allowable axle unit weight shall be,

- (a) for a single axle, 20,000 pounds;
- (b) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1;
- (c) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2.

- (2) The axle unit weights and axle group weights used in respect of a temporary authority issued under clause *b* of section 162 shall be based on the lesser of the maximum axle unit weight referred to in subsection 1 and that derived from the application of the following formula:

$$W_m = 20 + 2.07 B_m - 0.0071 B_m^2.$$

where:  $B_m = Kb$

$W_m$  is the axle group weight limit

$B_m$  is the equivalent base length of the axle group

$b$  is the base length, being the distance between the extreme axle of an axle group

$K$  is a parameter as defined by the equation

$$K = \frac{4 \sum_{i=1}^N P_i |x_i|}{b \sum_{i=1}^N P_i} - \frac{2(N-1)}{N} \times \left( \frac{\sum_{i=1}^N P_i x_i}{b \sum_{i=1}^N P_i} \right)^2$$

where:

$N$  is the number of axles in an axle group (count 2 for dual-axle and 3 for a triple axle)

$P_i$  is the weight of any individual axle

$P_m$  is the weight of the axle closest to the centre of gravity of the axle group load

$x_i$  is the distance of an axle load  $P_i$  from the axle load  $P_m$ . This distance is to be taken as positive when measured right of  $P_m$ , and negative when measured left of  $P_m$ .

$|x_i|$  is the absolute value of the distance  $x_i$ .

- 164.—(1) During freeze-up the maximum weight for a vehicle or combination of vehicles while carrying raw forest products only shall be 110 per cent of that weight for which the vehicle or combination of vehicles is registered provided no axle unit weight exceeds by more than 10 per cent that weight prescribed in the regulations or temporary authority issued pursuant to clause *b* of section 162 for such vehicle or combination of vehicles.



- Definition (2) For the purpose of this section, "freeze-up" shall be such period of time as designated by the Minister.
- Restriction (3) No vehicle or combination of vehicles shall be operated on a highway in excess of the weight limits authorized in subsection 1.
- Restriction as to Class B Highway 165. Unless a special permit has been issued pursuant to section 53, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 18,000 pounds and, if the axles are spaced less than eight feet apart, the weight on one axle shall not exceed 12,000 pounds.
- Prohibition as to carrying load in excess of permit 166.—(1) No vehicle or combination of vehicles having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit and for which the fee therefor was estimated.
- Production of permit (2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.
- R.S.O. 1960, c. 319
- Exception (3) Subsection 2 does not apply when a permit has been surrendered for transfer of registration or when such surrender is required by law.
- Weight of load during March and April (4) During the months of March and April, commercial motor vehicles and trailers, other than public vehicles operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 10,000 pounds without obtaining a permit as provided by section 53.
- Idem (5) During the months of March and April, a vehicle, other than a motor vehicle or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be

applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town and having a carrying capacity exceeding one ton shall not be loaded in excess of 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 53.

- (6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 169 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid. Penalty
- (7) The council of a city or separated town may, by by-law, declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town. Application to city or separated town
- (8) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 4 and 5 do not apply to any or all highways under its jurisdiction, but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister. Extension of period by municipality
- (9) In the case of the King's Highway and highways in territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections 4, 5 and 6 to extend and apply during any period of the year. Extension of period on King's Highway, etc.
- 167.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reasons to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scale if they are within a distance of ten miles, and, where it is found that the vehicle is carrying an excessive



load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized.

Measure of  
axle spacing

- (2) To determine whether the weight of the vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, the constable or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the distance between the axles of the vehicle or combination of vehicles.

Penalty

- (3) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Production  
of inventory

- (4) When a weighing machine capable of weighing a vehicle is distant more than ten miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification.

Penalty

- (5) Every person who contravenes any of the provisions of subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Regulations

168. The Lieutenant Governor in Council may make regulations,

- (a) prescribing by charts and tables the weights in accordance with the provisions of section 163 that may be transmitted to the highway by an axle unit, axle group, vehicle or combination of vehicles;
- (b) prescribing tolerances with respect to axle unit weights;
- (c) prescribing markings to be placed on vehicles respecting vehicle registration and weights.

Penalty

169.—(1) Every person who contravenes any of the provisions of subsection 1 of section 161, clause *a* of

section



section 162, subsection 3 of section 164 or section 165 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) 50 cents per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is less than 5,000 pounds;
  - (b) \$1 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 5,000 pounds or more but is less than 10,000 pounds;
  - (c) \$2 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 10,000 pounds or more but is less than 15,000 pounds;
  - (d) \$3 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 15,000 pounds or more but is less than 20,000 pounds;
  - (e) \$4 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 20,000 pounds or more but is less than 30,000 pounds; and
  - (f) \$5 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 30,000 pounds or more.
- (2) Every person who contravenes clause *c* of section 162 <sup>Idem</sup> is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.
- (3) Every person who contravenes clause *d* of section 162 <sup>Idem</sup> is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$50.

170.—(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles may be operated on a highway only <sup>Application of Part VI after March 1st, 1971</sup>

accordance

accordance with and subject to the provisions of this Part and section 53 or Part VI.

Part VI  
not to apply  
after  
March 31st,  
1976

- (2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1976.

TABLE 1

## MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 48	32,000
48	35,000
51	35,500
54	36,000
57	36,500
60	37,500
63	38,000
66	38,500
69	39,000
72	40,000

TABLE 2

## MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 96	40,000
96	44,000
108	44,000
111	44,500
114	45,000
117	45,500
120	46,000
123	46,500
126	47,500
129	48,000

TABLE 2

TABLE 2—*Continued*

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
132	49,000
135	49,500
138	50,000
141	50,500
144	51,000
147	51,500
150	52,500
153	53,000
156	54,000
159	54,500
162	55,000
165	55,500
168	56,000
171	56,500
174	57,000
177	57,500
180	58,500
183	59,000
186	59,500
189	59,500
192	60,000

**10.**—(1) This Act, except sections 1, 2, 4, 7, 8 and 9, <sup>Commence-</sup>comes into force on the day it receives Royal Assent <sup>ment</sup>

(2) Sections 1, 7 and 8 come into force on the 1st day of <sup>Idem</sup>December, 1970.

(3) Subsection 1 of section 4 and section 9 come into force <sup>Idem</sup>on the 1st day of March, 1971.

(4) Subsection 2 of section 4 comes into force on the <sup>Idem</sup>1st day of April, 1971.

(5) Section 2 comes into force on a day to be named by <sup>Idem</sup>the Lieutenant Governor by his proclamation.

**11.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1970.*



